

APPEAL NO. 041856
FILED SEPTEMBER 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 2, 2004. The hearing officer resolved the disputed issues of compensable injury and extent of injury by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant's _____, compensable injury extends to include disc bulges at C4-5, C5-6, and C6-7 of the cervical spine; an L4-5 disc bulge of the lumbar spine; a thoracic spine strain/sprain; bilateral rotator cuff sprain/strain; and bilateral wrist sprain/strain. With regard to the disability issue, the hearing officer found that from June 2, 2003, through the date of the CCH, the claimant has been unable to obtain and retain employment at her preinjury wages because of her _____, work-related injury. The appellant (self-insured) appeals the hearing officer's determinations regarding compensable injury, extent of injury, and disability, asserting that the hearing officer erred in not basing her decision on the reports of two required medical examination (RME) doctors. No response was received from the claimant.

DECISION

Affirmed as reformed herein.

With regard to the disability issue, the hearing officer found that from June 2, 2003, through the date of the CCH, the claimant has been unable to obtain and retain employment at her preinjury wage because of her _____, work-related injury; however, the hearing officer did not mention the disability issue in her conclusions of law or in the Decision section of her Decision and Order. We reform the hearing officer's decision to state that the claimant had disability because of her compensable injury of _____, from June 2, 2003, through the date of the CCH.

The claimant had the burden of proof on the disputed issues of compensable injury, extent of injury, and disability. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although the reports of the two RME doctors are contrary to the testimony and reports of the claimant's current treating doctor, we conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

As reformed herein, we affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge